

1 **Eric Roy, Esq.**  
Nevada Bar No. 11869  
2 **ERIC ROY LAW FIRM**  
703 South Eighth Street  
3 Las Vegas, Nevada 89101  
T: (702) 423-3333  
4 F: (702) 924-2517  
Eric@ericroylawfirm.com  
5

6  
7 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

8 \*\*\*\*\*

9 J.D., an individual, and as the Parent on behalf of a minor child, N.D.,  
10 Plaintiff,

11 vs.

12 CLARK COUNTY SCHOOL DISTRICT, a  
public entity, STATE OF NEVADA  
13 DEPARTMENT OF EDUCATION, a public  
14 entity,  
15 Defendants.

CASE NO: 2:11-cv-01896-JAD-NJK

16 **ERIC ROY'S RESPONSE TO ORDER TO SHOW CAUSE**

17 **I. FACTS**

18 Immediately prior to May 29, 2023, the Plaintiff and subject minor requested that  
19 counsel for Plaintiff, Eric Roy, Esq (hereinafter "Mr. Roy"), file an application to release the  
20 funds from the subject minor's blocked trust account since the subject minor became an adult  
21 several years ago.

22 On May 29, 2023, Mr. Roy filed an application and proposed order to release funds of  
23 a minor, who has since reached the age of majority, which are held in a blocked bank  
24 account. This application included the unredacted full dates of both of the subject minor and  
25 both parents on the birth certificate, which was included as an exhibit, as well as stated the  
26 unredacted full date of birth of the subject minor in the pleading. Additionally, this  
27 application and proposed order listed a correct case number, but incorrect letters in the  
28 captions.

Eric Roy Law Firm  
703 South Eighth Street  
Las Vegas, Nevada 89101  
702.423.3333

1 On May 31, 2023, the Court struck the application and proposed order and issued an  
 2 Order to Show Cause as to why Mr. Roy should not be sanctioned at total amount of \$12,000  
 3 for the violations listed above. *See* ECF No. 141.

## 4 5 **II. LEGAL ANALYSIS**

### 6 **a. GOVERNING LAW**

7 Local Rule 1-1(a) provides that the purpose of the Court's Local Rules, to secure just,  
 8 speedy, and inexpensive proceeding of every case.

9 *These are the Local Rules of Civil Practice for the United States District*  
 10 *Court for the District of Nevada. These rules are promulgated under 28*  
 11 *U.S.C. § 2071 and Fed. R. Civ. P. 83 and apply to all civil proceedings*  
 12 *unless the court orders otherwise. These rules will be administered in a*  
 13 *manner to secure the just, speedy, and inexpensive determination of every*  
 14 *action and proceeding.*

15 *See* Local Rule 1-1.

16 The vast majority of the subject case concluded in 2015. The only parties which are  
 17 still related to this matter in any substantial way are the Plaintiff and subject minor, so no  
 18 other party or counsel has been affected by Mr. Roy's subject errors. Given that the subject  
 19 case was determined in 2015 and lack of competing parties, the effect of Mr. Roy's errors  
 20 were minimal and did not prevent "...the just, speed, and inexpensive determination of..." of  
 21 the subject case. *Id.*

22 Mr. Roy is not trying to minimize the seriousness of his mistakes as he understands  
 23 the seriousness of these violations of the Court's rules, given the prior violations in this  
 24 matter. The majority of Mr. Roy's practice is in the Eighth Judicial District Court of Nevada  
 25 and, therefore, Mr. Roy's pleading templates are geared toward those rules. The Eighth  
 26 Judicial District Court of Nevada does not require that the full date of birth be redacted from  
 27 pleadings. When drafting the subject application and order, Mr. Roy used his standard  
 28 template which he uses in the Eighth Judicial District Court of Nevada. Because this  
 template does not use redacted dates of birth and Mr. Roy's practice in this Court is limited,  
 Mr. Roy forgot to redact the dates of birth, leaving just the years, on the application and birth  
 certificate as required by the Local Rules of this Court. *See* Local Rule IC 6-1(a)(3). Mr.  
 Roy did not intentionally violate the Court's Rules, but instead made an error of using his

Eric Roy Law Firm  
 703 South Eighth Street  
 Las Vegas, Nevada 89101  
 702.423.3333

Eric Roy Law Firm  
703 South Eighth Street  
Las Vegas, Nevada 89101  
702.423.3333

1 Eighth Judicial District Court of Nevada experience without checking the Local Rules of this  
2 Court before filing the subject application and order. Mr. Roy has read the Court's Local  
3 Rules multiple times, first when Mr. Roy became eligible to practice in this Court as well as  
4 in September 2013 when this Court ordered Mr. Roy to read the Local Rules of Practice for  
5 the United States District Court for the District of Nevada in their entirety as well as Special  
6 Order Nos. 108 and 109 in their entirety. Unfortunately, due to conflicting rules regarding  
7 redaction of dates of birth with the Eighth Judicial District Court of Nevada, Mr. Roy forgot  
8 that Local Rule IC 6-1(a)(3) requires that the month and day of a date of birth be redacted  
9 from any public pleading, leaving just the year. *See* Local Rule IC 6-1(a)(3).

10 The application and proposed order were also filed with an incorrect case number, as  
11 the handling judges had changed since the case was first filed and therefore the case number  
12 has changed. Mr. Roy did not intentionally use the old case number, but, again, made the  
13 error of not verifying that the correct case number was used. Case numbers do not change in  
14 the Eighth Judicial District Court of Nevada where Mr. Roy primarily practices, so Mr. Roy  
15 did not remember that he needed to verify that the correct case number was being used. To  
16 compound issues, this is not the first time that the old case number was used in this matter  
17 and Mr. Roy profoundly apologizes to the Court as this error was not intentional.

18 The Local Rules of this Court allow for sanctions to be imposed on an attorney who  
19 violates the Local Rules.

20 LR IA 11-8 states:

21 *The court may, after notice and an opportunity to be heard, impose any*  
22 *and all appropriate sanctions on an attorney or party who:*

23 *(a) Fails to appear when required for pretrial conference,*  
*argument on motion, or*

24 *trial;*

25 *(b) Fails to prepare for a presentation to the court;*

26 *(c) Fails to comply with these Local Rules;*

27 *(d) Fails to comply with the Nevada Rules of Professional*  
*Conduct; or*

28 *(e) Fails to comply with any order of this court.*

*See* Local Rule IA 11-8.

Sanctions are mostly used by courts to ensure that counsel and parties are civil to one another and do not delay proceedings as the primary purpose of all court rules is to ensure a speedy and fair resolution of cases. The Local Rules Committee emphasized this purpose

Eric Roy Law Firm  
703 South Eighth Street  
Las Vegas, Nevada 89101  
702.423.3333

1 when it recently amended Local Rule IA 11-8 to include the ability to sanction attorneys who  
2 fail to comply with the Nevada Rules of Professional Conduct. *See* Local Rule IA 11-8. The  
3 Committee Note indicates “*The purpose of the amendment is to emphasize the court’s*  
4 *expectation of a high degree of professionalism and civility from attorneys and to provide an*  
5 *additional mechanism for enforcing the rules of professional conduct.*” *See* Report of the  
6 Local Civil Rules Committee 2020, pg. 15. While errors such as those made by Mr. Roy in  
7 the subject application and proposed order could delay the release of the funds, the subject  
8 case was resolved in 2015 and the subject minor reached the age of majority several years  
9 ago, so any such delay caused in the release of the funds is minimal. Mr. Roy is in the  
10 process of filing a new application and proposed order which fully comply with all rules of  
11 this Court.

12 While not binding with regard to Mr. Roy’s subject violations, the Federal Rules of  
13 Civil Procedure Rule 11(c) offers insight on the use of sanctions as it addresses the issue of  
14 sanctions when an attorney intentionally files a pleading for improper or frivolous purposes.  
15 *Fed. R. Civ. P. 11(c)*. Specifically, FRCP Rule 11(c)(4) addresses the nature of sanctions to  
16 be imposed.

17 *A sanction imposed under this rule must be limited to what suffices to*  
18 *deter repetition of the conduct or comparable conduct by others similarly*  
19 *situated. The sanction may include nonmonetary directives; an order to*  
20 *pay a penalty into court; or, if imposed on motion and warranted for*  
21 *effective deterrence, an order directing payment to the movant of part or*  
22 *all of the reasonable attorney’s fees and other expenses directly resulting*  
23 *from the violation.*

24 *Fed. R. Civ. P. 11(c)(4)*

25 This rule recommends that sanctions must be limited to what suffices to deter  
26 repetition of the conduct. *Id.* Mr. Roy has made similar errors in this case, but it has been  
27 eight (8) years since his last error and Mr. Roy is already in the process of rereading the  
28 Local Rules to ensure that such mistakes do not happen again in the future.

The Federal Rules of Civil Procedure contemplate monetary sanctions to deter the  
intentional filing of frivolous pleadings or pleadings designed to harass a party or delay the  
proceedings. The Court has already, thankfully, stricken the subject pleadings to prevent the  
full dates of birth from appearing in the public record, so any damage done by this failure to

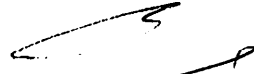
1 redaction is minimal. Mr. Roy is not trying to downplay the seriousness of failure to redact  
2 the full date of birth or using an incorrect case number, but asks the Court's forgiveness as it  
3 was a mistake with no ill intent as \$12,000 is a severe sanction for Mr. Roy's unintentional  
4 mistakes.

5  
6 **II. CONCLUSION**

7 Mr. Roy understands that some sanction may be appropriate in this matter, but  
8 requests that any sanctions be reduced as his errors were due to mistakes, with no ill intent  
9 and has not delayed the proceedings.

10  
11 DATED this 14<sup>th</sup> day of June, 2023.

12 **ERIC ROY LAW FIRM**

13  
14   
15 \_\_\_\_\_  
16 Eric Roy, Esq.  
17 Nevada Bar No. 11869  
18 703 South Eighth Street  
19 Las Vegas, NV 89101  
20  
21  
22  
23  
24  
25  
26  
27  
28

Eric Roy Law Firm  
703 South Eighth Street  
Las Vegas, Nevada 89101  
702.423.3333